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06/20/2005

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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/939,081

Applicant(s)

CETUSIC ET AL.

Examiner

Erika A. Gary

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 27-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-13, 27-39 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/12/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 14-26 in the reply filed on April 4, 2005 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-26 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's submission of prior art, Schumacher et al., US Patent Number 5,841,854 (hereinafter Schumacher).

Regarding claim 14, Schumacher discloses a system comprising: a private communication server maintaining availability information regarding a plurality of users; a plurality of personal communication subsystems, each associated with a user in the plurality of users and each in wireless communication with said server; and a data channel between said server and a first one of said plurality of subsystems, the first one of said subsystems being associated with a first user; wherein said server is configured to communicate at least a portion of the availability information through said data channel to at least a first subsystem, and to respond to command signals carried from

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the first subsystem to said server by said data channel [fig. 1; col. 5: line 25 – col. 6: line 8; col. 7: lines 15-18].

Regarding claim 15, it is inherent to update the availability information at predetermined intervals in order to detect a change in availability.

Regarding claim 16, Schumacher discloses said command signals comprise a request for an update to the at least a portion of the availability information when the availability information changes for a second user in the plurality of users, and said server is further configured to provide the requested update in response to said request [col. 8: lines 8-14].

Regarding claim 17, Schumacher discloses said server provides the update through said data channel [col. 13: lines 25-28].

Regarding claim 18, Schumacher discloses the request specifies a particular new status, and the change is an update of the second user to the particular new status [col. 8: lines 8-14].

Regarding claim 19, Schumacher discloses said server provides the updates by establishing a voice connection between the first user and the second user through the voice channel when the availability information changes for a second user to a predetermined state [col. 11: lines 55-61].

Regarding claim 20, Schumacher discloses said first subsystem has a user interface; and said request is generated by said first system in response to a single action in the user interface by the first user [fig. 1].

Regarding claim 21, it is inherent that the association between the first subsystem and the first user is made using a log-in procedure.

Regarding claim 22, Schumacher discloses the portion of the availability information accessible to the first subsystem is limited on the basis of the association with the first user [col. 6: lines 33-56].

Regarding claim 23, Schumacher discloses the first user is associated with one or more organizations, and the limiting allows access by the first user to availability information relating only to users who are also associated with at least one of the one or more organizations [col. 6: lines 33-56].

Regarding claim 24, Schumacher discloses the first subsystem comprises a personal digital assistant, and it is inherent that the log-in procedure is performed using the personal digital assistant [col. 10: lines 47-54].

Regarding claim 25, Schumacher discloses each subsystem in said plurality of subsystems comprises: a wireless voice communication device coupled to a first wireless network; and a wireless data communication device coupled to a second wireless network; and said data channel connects said server and said wireless data communication device through the second wireless network [col. 10: lines 47-63].

Regarding claim 26, Schumacher discloses a plurality of workstations in wired communication with said server, each associated with one or more users in the plurality of users [col. 10: lines 47-63].

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schuster et al., US Patent Number 6,446,127, disclose a system and method for providing user mobility services on a telephony network

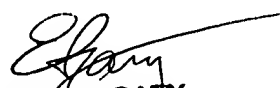
Szlam, US Patent Number 6,359,892, discloses remote access, emulation, and control of office equipment, devices and services.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
June 15, 2005

  
**ERIKA A. GARY**  
**PRIMARY EXAMINER**